

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ercan KURUOGLU et al.

Mail Stop Petition

Application No.: 09/982,024

Examiner: C. PAULA

Filed: October 19, 2001

Docket No.: 110915

For: METHOD AND APPARATUS FOR GENERATING A SUMMARY FROM A
DOCUMENT IMAGE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the November 28, 2007 Patent Office communication abandoning this application, Applicants respectfully request withdrawal of the holding of abandonment for the reasons discussed below. It is believed that no fee is due. However, the Commissioner is hereby authorized to charge any fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461.

I. Statement of the Facts

Appellants filed an Appeal Brief in the Patent Office on May 4, 2007. Appellants received a Notice of Non-compliant Appeal Brief dated June 29, 2007 (Notice I). Notice I asserted that the "Summary of Claimed Subject Matter" section of the May 4 Appeal Brief did not comply with 37 CFR 41.37(c) because the Appeal Brief did not identify and map all independent claims (claims 1 and 8) to the specification by page and line number or paragraph number and/or drawings, if any. In response, Appellants submitted a revised Appeal Brief on July 11 which revised the "Summary of Claimed Subject Matter" section to include even more citations of the independent claims to the drawings and to the specification by page and line number.

Appellants received a second Notice of Non-compliant Appeal Brief dated October 18, 2007 (Notice II), asserting that the "Summary of Claimed Subject Matter" section of the revised Appeal Brief was still deficient because the section did not explicitly identify independent claims 1 and 8 and map all of the feature of independent claims 1 and 8 to the specification and drawings. In response, Appellants submitted a second revised Appeal Brief on October 23 which further revised the "Summary of Claimed Subject Matter" section to explicitly identify independent claims 1 and 8, place all of the claimed features in quotes and, after each claimed feature, cite to specific drawings and section of the specification.

Appellants then received the November 28, 2007 Patent Office communication indicating that the Appeal is dismissed because the Appeal Brief is allegedly still not in compliance with 37 CFR 41.37(c), and abandoning this application.

II. Points to be Reviewed

The dismissal of the Appeal Brief and abandonment of the application are improper because such action is premature. Specifically, the October 18 Notice (Notice II) indicates

that, to avoid dismissal, appropriate correction in response to the Notice must be submitted within one month from the mailing date of the Notice, i.e., by November 18, 2007. The Notice further indicates that extensions of time of the response period may be granted under 37 CFR 1.136. According to 37 CFR 1.136, Appellants may extend the response period up to five months, i.e., up to April 18, 2008, upon payment of appropriate extension fees. Thus, Appellants have not exhausted the statutory period for reply to respond to the October 18 Notice (Notice II). Moreover, because the dismissal of the Appeal Brief is premature, the application is still pending (on Appeal), and should not therefore be held abandoned.

III. Action Requested

It is respectfully requested that the holding of abandonment be withdrawn. It is also respectfully requested that the dismissal of the Appeal Brief be withdrawn.

IV. Submission of Third Revised Brief on Appeal and Petition for Extension of Time

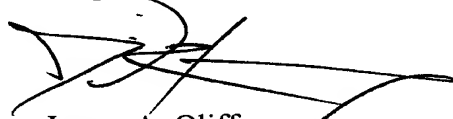
In their continuing effort to comply with 37 CFR 41.37(c) Appellants hereby submit a Third Revised Brief on Appeal and a Petition for Extension of Time. The Third Revised Brief on Appeal is submitted after Appellants' representative conducted a brief telephone conference with Ms. Lynne Browne, Appeals Specialist of Art Unit 2100. Ms. Browne clarified that the Appeal Briefs require reference numerals (corresponding to the drawings) after each element of the features recited in independent claims 1 and 8. The Third Revised Brief on Appeal even more explicitly and precisely identifies the features of independent claims 1 and 8 and includes references numerals that correspond to the drawings for each element of the features recited in independent claims 1 and 8. It is respectfully submitted that the Third Revised Brief on Appeal addresses all of the alleged defects enumerated in the October 18 Notice (Notice II) and the November 28 Notice.

IV. Conclusion

With the submission of the attached Third Revised Brief on Appeal, Appellants believe that they have fully complied with the structure, format and substance for an Appeal Brief under 37 CFR 41.37(c). Further, in view of the attached Petition for Extension of Time, Appellants believe that they have timely responded to Notice II within the limits set by the Patent Office.

Should any questions arise regarding this matter, all inquiries may be directed to Appellants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David R. Kemeny
Registration No. 57,241

JAO:DRK/tbm

Date: December 7, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
